



1300 I Street N.W.
Suite 400 West
Washington, DC 20005
202-589-3740

October 23, 2006

VIA ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re: *Notice of Written Ex Parte Presentation – CC Docket No. 96-115; RM 11277*

Dear Ms. Dortch:

This letter is to advise you that on behalf of Verizon Wireless, I met today with Barry Ohlson, Senior Legal Advisor to Commissioner Jonathan S. Adelstein, to discuss the petition filed by the Electronic Privacy Information Center ("EPIC").

In the meeting, we discussed the fact that a number of proposals made in this proceeding have no nexus to the pretexting issue, including opt-in consent for disclosure to joint venture partners and independent contractors, audit trails, encryption, and limitations on data retention. There is no evidence that fraudulent access to records is due to disclosures to joint venture partners or independent contractors, nor is there is any record to support opt-in consent for marketing purposes.

I also cautioned against rules that might have some impact on pretexting but that would be extremely burdensome on consumers and costly for carriers. For example, the Commission should not adopt a rule that requires carriers to notify customers prior to releasing CPNI or a requirement to notify customers each time they release CPNI to authorized users because such rules would be extremely costly to implement and result in customer annoyance and confusion. We also discussed the problems with mandatory billing system passcodes.

We discussed the idea of a safe harbor from enforcement, under which carriers would be immune from enforcement actions if they implemented a number of procedures. We also discussed standards for notification.

Ms. Dortch
Page 2
October 23, 2006

Consistent with the Commission's rules on *ex parte* communications, please associate this letter, which is being filed electronically, in the captioned docket. Please let me know if there are any questions related to this filing.

Very truly yours,

A handwritten signature in black ink, appearing to read "Charon Phillips". The signature is fluid and cursive, with the first name "Charon" written in a larger, more prominent script than the last name "Phillips".

Charon Phillips

cc: B. Ohlson